IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 20462 of 2000

Between:

T. Malli Reddy S/o Narasimha Reddy
P.A.C.S Vengalamma Cheruvu, Puttaparthi Mandal,
Anantapur District.

..... PETITIONER

AND

1. Government of Andhra Pradesh,

Rep. by its Secretary Agricultural & Cooperation (Coop.III)
Secretariat, Hyderabad.

2 Addl. Registrar of Cooperative Societies,

O/o Registrar of Cooperative Societies,
Gruhakalpa, Hyderabad.

3 The Deputy Registrar of Cooperative Societies,
Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings issued by the 2nd Respondent in Rc.No. 28288/89-L1 dated 25-9-2000, as illegal, arbitrary, null and void and consequently declare that a departmental person-in-charge cannot be appointed and declare that the petitioner is deemed to be Person-in-Charge of P.A.C.S. Vengalamma cheruvu in pursuance of the proceedings of the 3rd Respondent issued in Rc.No. 606/2000 dated 26-7-2000 and also as per the orders of the 1st Respondent and further declare that the petitioner is entitled to continue in his office as person-in-charge till

the Elections are held for the P.A.C.S. Vengalamma Cheruvu, Purttaparti Mandal, Anantapur District.

Counsel for the Petitioner:MR.P.SRINIVASULU

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20462 OF 2000

ORDER:

The petitioner was elected as President of Primary Agricultural Cooperative Society (PACS), Vengalamma Cheruvu in Anantapur District. The term of the managing committee was to expire on 26.7.2000. Deputy Registrar of Cooperative Societies by proceedings dt.9.6.1999 superceded the managing committee headed by petitioner. Aggrieved by the same, he filed an appeal before the Registrar of Cooperative Societies, second respondent herein, who by the impugned order dismissed the appeal. Aggrieved by the same, present Writ Petition is filed.

After expiry of the term of the managing committee, by proceedings dt.26.7.2000 petitioner and twelve others were appointed as persons-in-charge of the committee to manage the affairs of the PACS. It appears the Deputy Registrar by proceedings dt.16.9.2000 appointed Sub-Divisional Cooperative Officer, Penukonda as person in-charge to manage the affairs of the society. In that view of the matter, even if the petitioner succeeds in this Writ Petition, he cannot be appointed as person-in-charge committee when the term itself expired. Further, under Section 32(7) of the A.P. Cooperative Societies Act, 1964, a person-in-charge committee can be appointed to a maximum period of three years. The petitioner filed the Writ Petition in 2000 and at this point of time the question raised in this Writ Petition cannot be decided.

Therefore, the Writ Petition is dismissed as infructuous.

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(V.V.S.RAO, J)

22.7.2005

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To

1 The Secretary to Government of Andhra Pradesh,

Agricultural & Cooperation (Coop.III)
Secretariat, Hyderabad.

2 The Addl. Registrar of Cooperative Societies,

O/o Registrar of Cooperative Societies,
Gruhakalpa, Hyderabad.

3 The Deputy Registrar of Cooperative Societies,
Anantapur.

4 2 CCs to G.P. for Cooperation, High Court Bldgs., Hyderabad (OUT)

5 2 CD copies